

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Public Works	(2) MEETING DATE 2/26/2013	(3) CONTACT/PHONE Phil Acosta, Right of Way Agent (805) 781-5290	
(4) SUBJECT Submittal of right of way documents accepting conveyance from the Phifer Family Trust and from DLP AG Partnership, L.P. for the La Panza Road Widening Project, Creston. District 5.			
(5) RECOMMENDED ACTION It is our recommendation that your Honorable Board: 1. Approve and execute the Phifer Family Trust and DLP AG Partnership Right of Way Agreements and accept the accompanying Public Road and Slope Easement Deeds by execution of the attached Certificates of Acceptance; and direct the Clerk to record the Public Road and Slope Easement Deeds and return copies of the executed Right of Way Agreements and recorded Deeds to the Department of Public Works for completion of the transaction; and 2. Authorize the Public Works Director, or his designee, to execute any remaining escrow and payment related documents or instructions necessary to close the transactions associated with these real property interests.			
(6) FUNDING SOURCE(S) HSIP, Prop 1B, Road Fund	(7) CURRENT YEAR FINANCIAL IMPACT \$4,100.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Board Business (Time Est. _____)			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input checked="" type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR)  N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: N/A <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP  Attached	(15) BUSINESS IMPACT STATEMENT?  No	(16) AGENDA ITEM HISTORY  <input type="checkbox"/> N/A Date _____	
(17) ADMINISTRATIVE OFFICE REVIEW  <i>Nikki J. Schmidt</i>			
(18) SUPERVISOR DISTRICT(S) District 5 -			

13FEB26-C-6

# County of San Luis Obispo



TO: Board of Supervisors

FROM: Public Works / Phil Acosta, Right of Way Agent (805)  
Dave Flynn, Deputy Director of Public Works

DATE: 2/26/2013

SUBJECT: Submittal of right of way documents accepting conveyance from the Phifer Family Trust and from DLP AG Partnership, L.P. for the La Panza Road Widening Project, Creston. District 5.

## **RECOMMENDATION**

It is our recommendation that your Honorable Board:

1. Approve and execute the Phifer Family Trust and DLP AG Partnership Right of Way Agreements and accept the accompanying Public Road and Slope Easement Deeds by execution of the attached Certificates of Acceptance; and direct the Clerk to record the Public Road and Slope Easement Deeds and return copies of the executed Right of Way Agreements and recorded Deeds to the Department of Public Works for completion of the transaction; and
2. Authorize the Public Works Director, or his designee, to execute any remaining escrow and payment related documents or instructions necessary to close the transactions associated with these real property interests.

## **DISCUSSION**

La Panza Road is a rural collector located east of Creston between State Routes 41 and 58. The project will improve a portion of the road from Ryan Road to Hord Valley Road by constructing four foot (4') paved shoulders and relocating an adjacent drainage ditch. The project's objective is to improve road safety by having a recoverable shoulder and eliminating or reducing roadside obstacles. The current project has been developed from a study of multiple design alternatives and various environmental, budgetary and regulatory parameters to achieve the best solution for the project location.

The attached Right of Way Agreements and Public Road and Slope Easement Deeds from The Phifer Family Trust and from DLP AG Partnership will provide the County and its contractors with a portion of the real property rights required to construct the proposed widening project and related slope and drainage features.

These acquisitions are based upon fair market value determined by staff appraisals. The approval and execution of the Right of Way Agreements and the acceptance of the related Public Road and Slope Easement Deeds, by execution of the attached Certificate of Acceptance, will allow the Department to proceed with processing and payment pursuant to the Agreements.

#### Overall Right of Way Requirements for the Project

The attached agreements cover two (2) of twelve (12) properties along La Panza Road where right of way will need to be obtained from the adjoining property. Over the next few months, similar agreements will be submitted to your Board for consideration. The need to initiate eminent domain proceedings and your Board's consideration of Resolutions of Necessity on some parcels may exist.

As a safety project, the La Panza Road project was awarded a \$900,000 Highway Safety Improvement program (HSIP) grant from the Federal Highway Administration. Caltrans oversees the delivery of HSIP projects and holds agencies to a strict performance standard for program delivery of needed safety projects pursuant to Federal Highway Administration regulations. Should the project be delayed or deferred from its fiscal year delivery, the County will have a high exposure to becoming ineligible to apply for future Federal HSIP grants. As a result, obtaining the right of way on adjoining properties is critical for both the project's safety purpose and for maintaining the County's future eligibility on other safety grant projects.

#### OTHER AGENCY INVOLVEMENT/IMPACT

County Counsel has reviewed and approved the attached documents as to legal form and effect. The San Luis Obispo County Environmental Coordinator has provided necessary clearance for this project by Mitigated Negative Declaration approved by your Board on June 5, 2012 (Item 22).

Caltrans is providing oversight due to the Federal funding for the project.

#### FINANCIAL CONSIDERATIONS

The Right of Way Agreements provide for the following compensation:

Phifer Family Trust	\$3,600
DLP AG Partnership	<u>\$500</u>
Total	\$4,100

This project is a multi-year project budgeted in Roads Fund for FY 2012-13 – WBS 300397 in the amount of \$2,031,852. The project will receive funds from Federal Highway Safety Improvement Program (HSIP), Proposition 1B and Road funds.

#### RESULTS

Approval of the recommended actions will result in the appropriation of property rights required for this budgeted project. Completion of the project will improve safety by allowing more recovery room for vehicles along La Panza Road.

File: WBS 300397.05 (La Panza Road Widening Project)

Reference: 13FEB26-C-6

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#### **ATTACHMENTS**

1. Vicinity Map
2. Right of Way Agreement (Phifer)
3. Public Road and Slope Easement Deed (Phifer)
4. Right of Way Agreement (DLP AG Partnership, L.P.)
5. Public Road and Slope Easement Deed (DLP AG Partnership, L.P.)